

REMARKS

I. Status of the Application

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-16 are all the claims pending in the Application, as claims 15 and 16 are hereby added. Claims 1, 2, 9-11 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasan et al. (WO/0131963; herein after “Hasan”) in view of Soininen et al. (U.S. Pat. Pub. No. 2004/0252674; hereinafter “Soininen”). Claims 3-8 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasan in view of Soininen and in further view of Ahmavaara et al. (hereinafter “Ahmavaara”). Applicant respectfully traverses this rejection.

II. Claim Rejections

Claim 1 is directed to:

[a] method for establishing simultaneous access to circuit services and packet services in a cellular mobile radio system comprising second generation cells and third generation cells[.]”

Claim 1 recites, in part:

determining whether a change of cell to a third generation cell is possible if the terminal already has a packet connection set up in a second generation cell requests a simultaneous circuit connection; and

performing said change of cell in order to allow said circuit and packet connections simultaneously in a third generation cell.

Thus, claim 1 requires, *inter alia*, changing from a second generation cell to a third generation cell, when a terminal already having a circuit connection set up in a second generation cell requests a simultaneous packet connection, or when a terminal already having a packet connection in a second generation cell requests a simultaneous circuit connection.

Hasan discloses a method of handing over a mobile terminal from a second generation switching center to a service node in a third generation network.¹ Hasan fails to disclose changing from a second generation cell to a third generation cell when a terminal already having a circuit connection set up in a second generation cell requests a simultaneous packet connection, or when a terminal already having a packet connection in a second generation cell requests a simultaneous circuit connection. Soininen discloses establishing simultaneous circuit and packet connections within a third generation cell.² However, nowhere do the cited references, alone or in combination, teach or suggest changing from a second generation cell to a third generation cell, when a terminal already having a circuit connection set up in a second generation cell requests a simultaneous packet connection, or when a terminal already having a packet connection in a second generation cell requests a simultaneous circuit connection, as set forth in claim 1.

The Examiner admits “Hasan fails to disclose a method for simultaneous access to circuit services and packet services in, in which method, if a packet or a circuit connection is required

¹ See Hasan, Abstract.

² See Soininen, Abstract and paragraph [0024].

by a terminal already having a circuit or a packet connection set up in a second generation cell.”³

In other words, the Examiner concedes that Hasan fails to disclose allowing simultaneous circuit and packet services in a third generation cell, when a terminal in a second generation cell, requests an additional packet or circuit connection.

In view of the deficiency of Hasan, the Examiner asserts that Soininen discloses “a method for simultaneous access to circuit services and packet services in, in which method, if a packet or a circuit connection is required by a terminal already having a circuit or a packet connection set up in a second generation cell.”⁴ However, Soininen expressly states that “[t]he present invention will be described by way of example with reference to the architecture [sic] of a 3G network. However, it is understood that it can be applied to any other suitable form of network.”⁵ Thus, Soininen applies specifically to third generation (3G) networks. Moreover, even assuming *arguendo* that Soininen would apply to a second generation (2G) network, Soininen fails to teach or suggest changing from a 2G network to a 3G network, or vice versa. That is, the method disclosed in Soininen is limited to application within one type network, not from one network type to another. More importantly, Soininen does not contemplate switching from a 2G cell to a 3G cell, as set forth in claim 1.

³ See Office Action, page 3.

⁴ See Office Action, page 3.

⁵ See Soininen, paragraph [0024].

Consequently, neither Hasan nor Soininen, nor any combination thereof, teach or suggest all of the required features of claim 1. Accordingly, Applicant submits claim 1 is patentable over the applied references, for at least these reasons.

Similarly, since claims 2-11 depend on claim 1, neither reference, nor any combination thereof, teaches or suggests all of the required features of claims 2-11. Therefore, Applicant submits claims 2-11 are also patentable over the applied references, at least by virtue of their dependency on claim 1. Additionally, claim 12 recites similar features as claim 1. Accordingly, Applicant submits claim 12 is patentable over the applied references, at least for reasons analogous to those stated above regarding claim 1.

With respect to claims 3-8 and 12-14, as noted above, the Examiner's attempted combination of Hasan and Soininen is deficient. And Ahmavaara fails to teach or suggest anything that would cure the above-noted deficiencies. Thus, claims 3-8 and 12-14 are allowable over the references as applied.

Finally, for the reasons stated above regarding claim 12, Applicant submits that new claims 15 and 16 are also patentable over the applied references, at least by virtue of their dependency on claim 12.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 10/765,132

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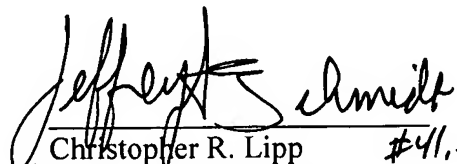

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